The Provincial Court of British Columbia

Annual Report 2002 - 2003

THE HONOURABLE CAROL BAIRD ELLAN
CHIEF JUDGE

THE PROVINCIAL COURT
OF BRITISH COLUMBIA

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The Honourable Geoff Plant
Attorney General
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Dear Mr. Attorney:

I am pleased to enclose the Court's third Annual Report, covering the period April 1, 2002 to March 31, 2003. It will be posted on the Provincial Court website at www.provincialcourt.bc.ca.

Sincerely,

The Honourable Carol Baird Ellan
Chief Judge

CBE:mht

Enclosure

105-03858/

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A. OVERVIEW

The 2002 to 2003 fiscal year saw the continuation of the strategic planning initiatives commenced in the prior year. Judges and Judicial Justices of the Peace planning conferences were held in May 2002. Further consultation and feedback culminated in the February 2003 publication of the Report of the 2001/02 Judiciary Planning Committee, and the Three-Year Strategic Plan, now posted on the Court's website at: www.provincialcourt.bc.ca/newsandreferences/reports. Many of the recommendations included in the Strategic Plan were implemented, or at least commenced, during this fiscal year.

Following on the government initiatives described in last year's Annual Report, 24 Provincial Court courthouses were closed between June and November, 2002. Some of these were re-opened as "circuit" courts, which are courthouses without resident Judges, staff or a registry, in which the court sessions are conducted by visiting Judges, assisted by staff who travel from "hub" locations. Twelve Judges were relocated from closed courthouses to new headquarters in other locations.

The Court's complement of Judges decreased by another two positions in the fiscal year, with a final total funded equivalent of 141. During the year 8 Judges elected to become part-time senior Judges, pursuant to the available program, resulting in a total of 13 participating senior Judges by the end of the year.

Non-criminal caseloads continued in the trends shown over recent years, with decreases in both civil and family cases. In criminal, last year's increase proved anomalous, and there were significant decreases in both adult and youth cases. Traffic and bylaws continued to increase, but less dramatically.

The Court experienced significant losses of time due to illness in the year. With reductions in complement and down time due to illness, backlogs started to develop in some districts despite overall decreasing caseloads. A backlog reduction initiative was commenced to address areas of significant concern. As well, the Court developed and refined a method for assessing required judicial resources based on caseloads and case lengths, allowing more precise assignment of Judges to regions who require them.

In keeping with the changes to the model for delivery of justice in bail and search warrants outlined in last year's Annual Report, Judicial Justices of the Peace assumed province-wide responsibility for telewarrant and after-hours bail applications, both in person and via telecommunications from the Court's 24-Hour Justice Centre.

This third Annual Report of the Provincial Court, with its first Strategic Plan filed earlier in the year, exemplify the Court's continued commitment to public accountability, transparency in administration, and responsiveness to the needs of the public and communities it serves. Comments, questions and suggestions are welcome.

The Honourable Carol Baird Ellan
Chief Judge
Provincial Court of British Columbia
PO Box 10287 Pacific Centre
501– 700 West Georgia Street
Vancouver, BC V7Y 1E8

B. STRATEGIC PLANNING

The planning initiatives outlined in last year's Annual Report continued through the fiscal year. The spring conferences of both Judges and Judicial Justices of the Peace were devoted to discussion of potential improvements in the topic areas identified by the Planning Committee: Access to Justice, Jurisdiction and Divisions, Quality of Justice, Judicial Resource Assessment, Facilities/Technology/Security, and Governance. After the conferences, comments of participants were collected and summarized, and a further discussion document was circulated among members of the judiciary in the summer of 2002. A final draft of the plan was sent out in late 2002, and the Report of the Planning Committee and Strategic Plan were published in February 2003.

Planning initiatives commenced or implemented in the fiscal year include the development of agreements with government concerning circuit facilities, court administration and budgets; formation of Executive and Management Committees for the Court; disbanding of the Equality and Security Committees and assignment of their duties to the Management and Executive Committees; refinement and endorsement of the Court's role in public legal education including the entering of a protocol with the Law Courts Education Society; expansion of the role of Legal Officer to include media and public relations duties; and improvements to the Court's website. In addition, programs relating to self-evaluation by Judges were initiated by the Education Committee in conjunction with the Chief Judge's Office; two Administrative Judicial Justices of the Peace were appointed in February 2003 (see Part E.4); a Committee was formed to consider and make recommendations in response to a discussion paper on Unified Family Court (see Part O.); a Civil Procedures Committee was formed (see Part P.); and certain reorganizational changes were made at the Office of the Chief Judge (see Part L.).

The Court will continue in its implementation of the Planning Committee's recommendations, with particular emphasis on exploration of an improved administrative structure designed to enhance the Court's delivery of justice to the people of British Columbia.

C. PROVINCIAL COURT JURISDICTION

1. The Scope of the Court's Authority

The Provincial Court is a statutory court created by the *Provincial Court Act*. It is one of B.C.'s two trial courts, the other being the Supreme Court of British Columbia. Depending upon the nature of the case, appeals from Provincial Court decisions may go to either the Supreme Court or the British Columbia Court of Appeal, and may ultimately be appealed to the Supreme Court of Canada.

There are four primary types of cases heard by the Provincial Court:

- Criminal and Youth Matters
- Family Matters
- Small Claims Matters
- Traffic and Bylaw Matters

By caseload, the Provincial Court is the final court for adjudication of a majority of disputes in the province. During the fiscal year 2002-03, the Provincial Court received 288,233 new cases while the superior courts received 70,844 new cases in the same period. About 40% of Provincial Court caseloads are traffic and bylaw matters, about 40% criminal and youth, and about 20% family and small claims.

The Provincial Court hears matters under a wide variety of federal and provincial enactments, including those listed below. Under some enactments jurisdiction is shared with the Supreme Court or split between the Provincial Court and the Supreme Court.

Federal Statutes:	Provincial Statutes:	
• Criminal Code	• Adult Guardianship Act	• Mental Health Act
• Youth Criminal Justice Act	• Child, Family and Community Service Act	• Motor Vehicle Act
• Controlled Drugs and Substances Act	• Commercial Transport Act	• Motor Carrier Act
• Firearms Act	• Court Order Enforcement Act	• Offence Act
• Income Tax Act	• Family Relations Act	• Small Claims Act
• Fisheries Act	• Family Maintenance Enforcement Act	• Waste Management Act
	• Health Act	• Young Offenders (BC) Act
	• Liquor Control and Licensing Act	
	• Local Government Act (Bylaw Offences)	

Regarding criminal matters, over 95% of all criminal cases in British Columbia are conducted and completed in the Provincial Court (112,675 new criminal cases in Provincial Court in 2002-03, compared to 4,496 new criminal cases in the British Columbia Supreme Court and Court of Appeal). The Provincial Court's jurisdiction extends to all criminal cases, except those few listed in section 469 of the *Criminal Code* (such as murder, treason, piracy, alarming Her Majesty) which ordinarily require jury trials and for which the Provincial Court would hear any preliminary inquiry. The Provincial Court does not conduct jury trials, but for serious offences (termed "indictable"), where the accused does not elect a jury trial or a trial by a Supreme Court Judge, the Provincial Court hears the trial. This includes such matters as attempted murder, manslaughter, aggravated assault, sexual assault, kidnapping, extortion, home invasion, fraud – in short, all criminal cases short of murder and those few other offences listed in section 469 of the *Criminal Code*. There are also a considerable number of lesser criminal offences that must proceed in the Provincial Court or for which the Crown may elect to proceed in the Provincial Court by way of "summary conviction".

In family matters, the Provincial Court has jurisdiction in child protection cases, maintenance, custody, guardianship, and access, but does not deal with divorce, adoptions, or the division of family property. Sharing jurisdiction with the Supreme Court in matters of child custody, access, maintenance, and maintenance enforcement, the Provincial Court hears more than 31,000 family cases each year (including repeat applications on existing files) or about 71% of all family matters in the province.

The Provincial Court's jurisdiction in civil matters extends to cases with a monetary limit of $10,000. It hears approximately 22,000 cases each year, which represents about 42% of the Supreme Court's civil volume.

2. Legislative Changes

a. Federal

During the fiscal year, April 1, 2002 to March 31, 2003, portions of four federal Acts affecting Provincial Court jurisdiction came into force.

Provisions of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* came into force on June 12, 2002 and January 6, 2003. These provisions deal with requirements for reporting transactions of currency and monetary instruments, as well as compliance provisions of the *Act*.

Significant portions of the *Criminal Law Amendment Act, 2001*, S.C. 2002, c. 13 (formerly Bill C-15A) came into force on July 23, 2002, September 23, 2002 and November 25, 2002. Other portions of that Act will come into force on July 23, 2003 and December 1, 2003. Among other things, this legislation creates new offences related to child pornography and protection, new procedures related to private prosecutions, jury trials, use of expert evidence, applications for Ministerial review for miscarriages of justice, and use of electronic documents, together with a revision of preliminary inquiry availability and procedures. The legislation also further authorizes courts to develop procedural and case management rules.

On June 12, 2002, sections 52, 67(2) and (3), and section 74 of the *Anti-Terrorism Act*, S.C. 2001, c.41, came into force, and sections 54 to 64 of that Act came into force January 6, 2003. Those provisions deal primarily with reporting money-laundering transactions and the transportation of currency and monetary instruments for terrorist-activity financing.

On January 1, 2003, section 29(1) of the *Firearms Act*, S.C. 1995, c. 39, came into force which deals with the operation of a shooting club or shooting range.

In addition, the *Youth Criminal Justice Act*, S.C. 2002, c. 1, came into force on April 1, 2003. That Act replaces the *Young Offenders Act*.

b. Provincial

The *Provincial Court Act* was amended by the *Attorney General Statute Amendment Act, 2002*, S.B.C. 2002, c.37, to change provisions related to pensions for Judges. Other aspects of this *Act* will be brought into force on July 1, 2003 such as those dealing with violation ticket proceedings before Judicial Justices of the Peace under the *Offence Act*, and providing Provincial Court Judges with exclusive jurisdiction within the Provincial Court to deal with issues arising from the *Canadian Charter of Rights and Freedoms*. An amendment to the *Evidence Act* in the *Miscellaneous Statutes Amendment Act, 2003*, S.B.C. 2003, c.7, s. 17, comes into force on July 1, 2003 and provides procedures for witnesses to testify by video-link.

The *Provincial Court (Family) Rules*, BC Reg. 417/98, were amended by BC Reg. 159/2003 to remove Castlegar, Nelson, and Rossland from the definition of "family justice registry". Burnaby was removed as a "designated registry" for the Parenting After Separation Program, while Port Coquitlam was added as such a registry. The *Provincial Court (Child, Family and Community Services Act) Rules*, BC Reg. 533/95, were amended by BC Reg. 332/2002 to add reference to the Nisga'a Lisims Government regarding notice of protection hearings related to Nisga'a children.

A pilot project for filing documents in Court by fax was initiated by B.C. Reg. 9/2003 and B.C. Reg. 10/2003, which, respectively, amended the *Provincial Court (Family) Rules*, B.C. Reg. 417/98 and the *Small Claims Rules*, B.C. Reg. 261/93. Several registries across the province are involved in this pilot project which permits many types of documents to be filed simply by fax, with discretion in a Judge to require that the original be produced.

Small claims matters in Nanaimo, Vancouver, Surrey and North Vancouver became subject to new mediation rules (B.C. Reg. 172/2003) established in amendments to the *Small Claims Rules*, B.C. Reg. 261/93. Mediators appointed from an approved roster will seek to mediate specific types of cases, unless exemption is provided on application to a Judge.

D. JUDICIAL COMPLEMENT

At April 1, 2002, the complement of Provincial Court Judges and Justices of the Peace totalled 445: 138 full-time Judges, 5 part-time and 6 ad hoc Judges, 30 full-time Judicial Justices of the Peace, 2 part-time and 5 ad hoc Judicial Justices of the Peace, and 259 non-sitting Justices of the Peace. By March 31, 2003, the complement had changed to 136 full-time Judges, 13 part-time and 6 ad hoc Judges, 30 full-time Judicial Justices of the Peace, 2 part-time and 5 ad hoc Judicial Justices of the Peace, and 190 non-sitting Justices of the Peace.

1. Retirements

During the year, the following Judges retired or left the Court:

1.	D.W. Ramsay	Nov 1, 2002
2.	H. White	Feb 28, 2003

2. Part-time Elections

The following Judges elected to become part-time senior Judges pursuant to section 9.1 of the *Provincial Court Act*:

1.	D.B. Overend	April 19, 2002
2.	E.H. Bendrodt	April 29, 2002
3.	K.J. Libby	May 20, 2002
4.	M.I. MacAlpine	June 30, 2002
5.	N.C. Collingwood	June 30, 2002
6.	R.D. Grandison	July 31, 2002
7.	P. R. Lawrence	Jan 31, 2003
8.	R.J. Lemiski	Jan 31, 2003

3. Appointments & Transfers

Five new Judges were appointed during the fiscal year. They are listed below with their appointment dates and the administrative districts to which they are assigned.

1.	Rory Walters	July 15, 2002	Williams Lake
2.	Evan C. Blake	August 19, 2002	Quesnel
3.	Kenneth W. Ball	January 6, 2003	Surrey
4.	John R. Milne	January 6, 2003	Smithers
5.	Ken D. Skilnick	February 10, 2003	Prince George/Peace River

The following Judges were transferred during the year:

1.	T. Alexander	Burnaby to New Westminster
2.	S.C. Antifaev	Maple Ridge to Port Coquitlam
3.	C. Bruce	Burnaby to Vancouver
4.	T. Gove	Burnaby to Vancouver
5.	K.J. Libby	Delta to Courtenay
6.	S. Point	Maple Ridge to Port Coquitlam to Abbotsford
7.	D. Schmidt	Delta to Surrey to Richmond
8.	D. Sperry	Castlegar to Rossland
9.	D.M.B. Steinberg	Burnaby to New Westminster
10.	C. Warren	Burnaby to Vancouver
11.	J. Watchuk	Burnaby to Vancouver
12.	R. Walker	Quesnel to Prince George

4. Provincial Court Judges by Administrative District as at March 31, 2003

Office of the Chief Judge
C. Baird Ellan, Chief Judge
E.M. Burdett, Associate Chief Judge
A.J. Spence, Associate Chief Judge
Ad Hoc Judges:
C.C. Barnett
R.C.S. Graham
F.S. Green
L.A.T. Nimsick
K.D. Page
T.W. Shupe

Vancouver:
C.L. Bagnall, Administrative Judge
E.A. Arnold
B.E. Bastin
E.H. Bendrodt (p/t)
C.J. Bruce
J.E. Godfrey
T.J. Gove
F.E. Howard
W.J. Kitchen
R.R. Low
P.L. Maughan
J.L. McCarthy
T.D. McGee
H.J. McGivern
J.F. Palmer
K.A.P.D. Smith (p/t)
D.I. Smyth
C.J. Trueman
C.E. Warren
J.E. Watchuk
H.F. Weitzel

Robson Square
M.E. Rae, Administrative Judge
J. Auxier
B.K. Davis
H.K. Dhillon
R.M. Gallagher
G.D. Gillis
M.R. Mondin
P.R. Meyers
D.R. Pendleton
V. Romilly
A.R. Tweedale
J.F. Werier
W.F. Yee

North Fraser
A.J. Spence, Associate Chief Judge
P.L.J. de Couto, Administrative Judge
T. Alexander
S.C. Antifaev
G.P. Angelomatis
M.R. Buller Bennett
J.C. Challenger
R.P. Chen
S. Dossa
D.D. Pothecary
D.M.B. Steinberg
D. Stone

South Fraser
W.G. MacDonald, Administrative Judge
K.W. Ball
M.C. Borowicz
J.G. Cohen
N.C.M. Collingwood (p/t)
T.J. Crabtree
T.D. Devitt
E.A. Ferbey
H. Field
G.S. Gill
B.G. Hoy
P.A. Hyde
J.W. Jardine
R.J. Lemiski (p/t)
J.J. Lenaghan
J.R. Lytwyn
M.I. MacAlpine (p/t)
C.B. MacArthur
S.K. MacGregor
C.G. Maltby
R.D. Miller
S. Point
R. Raven
A.E. Rounthwaite
J. Rounthwaite
E.D. Scarlett (LTD)
W.F. Stewart
M.H. Thomas
W.A. Young

South Vancouver Island
L.W. Smith, Administrative Judge
J.K. Bracken
L.F.E. Chaperon
A.I. Ehrcke
A.E. Filmer (p/t)
L.J.M. Harvey
R.A. Higinbotham
J.M. Hubbard
J.N. Kay
B.D. MacKenzie
B.M. Neal
A.J. Palmer
E.J. Quantz

North Vancouver Island
E.L. Iverson, Administrative Judge
J.D. Cowling
P.M. Doherty
R.A. Gould
J.I.D. Joe
B.R. Klaver
C.D. Lazar
K.J. Libby (p/t)
J.E. Saunders
B. Saunderson

Richmond
E.J. McKinnon, Administrative Judge
R.D. Fratkin
E.D. Schmidt

Kootenays
R.G. Fabbro, Administrative Judge
D.C. Carlgren
D.L. Sperry
M.G. Takahashi
D.M. Waurynchuk

Okanagan
J.J. Threlfall, Administrative Judge
E.R. Brecknell
J.P. Cartwright
B.J. Grannary
W.W. Klinger
D.B. Overend (p/t)
N.N. Phillips
G.G. Sinclair
R.R. Smith
H.C. Stansfield

Kamloops
T.A. Dohm, Administrative Judge
E.L. Bayliff
W.A. Blair
J.P. Gordon (p/t)
H. Rohrmoser
E.A. Sather
T.C. Smith (p/t)
B.W. Sundhu
R. Walters

Prince George
P.V. Hogan, Administrative Judge
E.C. Blake
R.R. Blaskovits
M.J. Brecknell
C.D. Cleaveley
B.L. Dollis
R.B. Macfarlane
K.D. Skilnick
R.E. Walker

Northwest
E.F. de Walle, Administrative Judge
W.R. Jack
A.K. Krantz
P.R. Lawrence (p/t)
J.R. Milne
H.J. Seidemann

Coast
E.M. Burdett, Associate Chief Judge
D.E. Moss, Administrative Judge
W.J. Diebolt
J. Gedye
R.D. Grandison (p/t)
D.E. Moon
W.J. Rodgers
J.B. Paradis (p/t)

E. ADMINISTRATION

1. Administrative Districts

Due to courthouse closures, construction of new courthouses, transfers of Judges and other factors, there were a few changes to the administrative districts of the Court during the year. The Cariboo ceased to be a separate administrative district as of July 15, 2002, with Quesnel being taken into the Prince George District and Williams Lake and 100 Mile House being taken into the Kamloops district. The Richmond Criminal and Richmond and Delta Family/Civil divisions were consolidated with the closure of Delta and the opening of the new Richmond courthouse in March 2003, forming one Richmond administrative district.

A full list of the Administrative Districts and Judges at March 31, 2003 is found in the preceding section.

2. Management Committee

Pursuant to a recommendation in the Court's Strategic Plan, the Administrative Judges of the Court were designated the Management Committee as of March 2003. The Administrative Judges are listed under their districts in the preceding section.

The following Administrative Judges were appointed during the year:

June 1, 2002:	Administrative Judge Margaret E. Rae (Robson Square District)
July 1, 2002:	Administrative Judge Conni L. Bagnall (Vancouver Criminal District)
December 1, 2002:	Administrative Judge Jane McKinnon (Richmond District)
January 1, 2003:	Administrative Judge Pedro de Couto (North Fraser District)

3. Executive Committee

The Strategic Plan recommended formation of an Executive Committee consisting of the Chief Judge and the Associate Chief Judges. This took effect as of March 2003 as well. At that time the Executive Committee consisted of Chief Judge Carol Baird Ellan and Associate Chief Judges Tony Spence and Ellen Burdett.

4. Traffic Court and Justice Centre Administration

Pursuant to a recommendation in the Court's Three-Year Strategic Plan, Judicial Justices of the Peace Linda Mayner and Irene Blackstone were appointed Administrative Judicial Justices of the Peace on February 1, 2003, for a one-year term, for the Traffic Court Division and Justice Centre.

F. JUDICIAL JUSTICES OF THE PEACE

Judicial Justices of the Peace (JJPs) are Justices of the Peace designated pursuant to section 30(1) of the *Provincial Court Act*. They have authority as justices under provincial and federal legislation. Pursuant to section 11 of the *Provincial Court Act*, Judicial Justices of the Peace are assigned by the Chief Judge to preside over traffic and bylaw matters and ticketable offences under provincial legislation, to sit in payment hearings in civil matters, and to hear bail and search warrant applications.

Bail and search warrant applications conducted by Judicial Justices of the Peace are heard primarily by facsimile and telephone through the Justice Centre, located at 5021 Kingsway, Third Floor, Burnaby, BC, V5H 4A5. The Centre operates on a 24-hour basis.

As of March 31, 2003 there were 30 full-time, two part-time, and five ad hoc Judicial Justices of the Peace. They are listed below under their assigned districts at that time.

JUDICIAL JUSTICES OF THE PEACE - At March 31, 2003

Justice Centre:
- I. Blackstone
- J. Chellappan
- B.S. Cyr
- P.L. Dodwell
- G.E. Madrick
- D.H. Maihara
- K.M. Pomfret
- C.L. Rogers
- P. Schwartz
- J.M. Wakefield

Office of the Chief Judge:
- H. Armstrong (Ad Hoc)
- W. M. Austin (Ad Hoc)
- H. Gaffney (Ad Hoc)
- F.G. Palmer (Ad Hoc)
- D.W. Rivett (Ad Hoc)

Richmond:
- K.M. Morrison (p/t)
- K.M. Yamamoto

Vancouver (Robson Square):
- R. Almond
- G. Hayes
- S. Joseph-Tiwary
- M. Kobiljski
- P.M. Lim
- A.M. Osborne
- E. Turley

Kamloops:
- J.E. Hughes

Okanagan:
- L.J. Taylor

Prince George:
- C.D. Jolly

North Fraser:
- J.N. Aasen
- J.D. Clark
- D. Henderson (p/t)
- C.M. Proctor
- J. Smigel

South Fraser:
- B.D. Lambert
- L.L. Mayner

North Island:
- J.F. Dodd

South Island:
- M.K. Whelan

Coast:
- Z. Makhdoom

G. JUSTICE CENTRE SUPPORT STAFF

During the fiscal year the support staff at the Justice Centre became employees of the judiciary. This group of dedicated personnel provides support services to Judicial Justices of the Peace assigned to the Justice Centre. They are under the supervision of the Administrative Judicial Justices of the Peace. The following persons were employed at the Centre as of March 31, 2003:

JUSTICE CENTRE—JUDICIAL JUSTICE OF THE PEACE SUPPORT STAFF **At March 31, 2003**

Supervisors	Support Staff
Darlene Mayo	Wendy Underwood
Erin Weisbrod	Rachel Fujinami
	Laura Ceklaj
	Carissa Unger
	Erin Burns

H. COURT SERVICES BRANCH JUSTICES OF THE PEACE

Many persons employed by the Ministry of Attorney General, Court Services Branch, in Court registries throughout the Province hold Justice of the Peace commissions. In addition to judicial or quasi-judicial duties assigned by the Chief Judge, they may perform various administrative duties in the Court Services Branch, including those of court manager, court administrator and court clerk.

The duties assigned to Court Services Branch Justices of the Peace by the Chief Judge include swearing informations and issuing summonses and warrants of arrest, remands, and uncontested bail. They also approve sureties, perfect bail, make orders regarding seized property, and perform a variety of related duties.

I. STIPENDIARY (CALL-OUT) JUSTICES OF THE PEACE

In November 2002, the Chief Judge issued a letter to the 54 remaining Stipendiary Justices of the Peace in the province, revoking their assignment of duties. This decision was based on concerns regarding the judicial independence of these justices of the peace, arising from a series of court challenges relating to various types of justices of the peace in the province. The affected Stipendiary Justices of the Peace subsequently received notice from the Attorney General that their justice of the peace commissions would be terminated. The duties previously assigned to the Stipendiary Justices of the Peace, primarily bail and search warrant applications, were assumed by Judicial Justices of the Peace.

Stipendiary Justices of the Peace worked part time on a call-out basis; most held full-time occupations in addition to their evening and weekend responsibilities for the Court.

J. JUDICIAL CASE MANAGERS

The Court's 33 Judicial Case Managers provide effective, efficient court scheduling and coordination of all matters within a particular judicial district that appear before a Provincial Court Judge. Judicial Case Managers appear in Court at initial criminal appearances, managing the flow of cases. They ensure that judicial resources are effectively utilized in a manner consistent with the policies of the Court.

Judicial Case Managers hold commissions as Justices of the Peace, exercising judicial authority as part of their duties. They are judiciary employees under the supervision of the Administrative Judges. Judicial Case Managers are guided by Standards of Conduct specific to their role.

The following were the Court's Judicial Case Managers listed in their assigned administrative districts, as at March 31, 2003:

JUDICIAL CASE MANAGERS - At March 31, 2003

Vancouver:
(Administrative Judge C.L.Bagnall)
- T.L. Hill
- C.J. Johnstone
- K.E. MacKenzie
- L. Stokes

Robson Square:
(Administrative Judge M.E. Rae)
- C. Mayhew
- K. Purdy (p/t)
- B. Siddoo

Richmond:
(Administrative Judge J. McKinnon)
- C. Goodrich

Kootenays:
(Administrative Judge R. Fabbro)
- E. Smedstad (Cranbrook)

Kamloops:
(Administrative Judge T.A. Dohm)
- S. Paul (Kamloops)
- P. Thomas (Williams Lake) (p/t)

Okanagan:
(Administrative Judge J. Threlfall)
- C.A. Rosom
- B.L. Vincent

Northwest:
(Administrative Judge E.F. de Walle)
- L. Leonardes (Terrace) (p/t)
- C.M. Foerster (Prince Rupert) (p/t)
- S. Portsch (Smithers)

North Vancouver Island:
(Administrative Judge E.L. Iverson)
- D.G. D'Altroy (Courtenay/Campbell River)
- V. Mitchell (Nanaimo)

South Vancouver Island:
(Administrative Judge L.W. Smith)
- S.L. Cole (Duncan/Colwood) (p/t)
- D. Henry (Victoria)
- Y. Locke (Victoria)
- M.L. Preston (Victoria)

North Fraser:
(Administrative Judge P. de Couto)
- M.L. deKeruzec (Port Coquitlam)
- S. Gill (Port Coquitlam)
- D. North (New Westminster)

South Fraser:
(Administrative Judge W.G. MacDonald)
- W.R. Bennett (Surrey)
- M.B. Gill (Surrey)
- J. Jenvey (Abbotsford)
- Amy Mitchell (Abbotsford) (p/t)
- S. Thorne (Surrey)
- M.K. Warwick (Chilliwack/Abbotsford)
- B. West (Surrey)

Prince George/Peace:
(Administrative Judge P.V. Hogan)
- D. Pillipow (Prince George)
- S. Jasper (Quesnel/Prince George) (p/t)

Coast:
(Administrative Judge D.E. Moss)
- S.I. McLarty (North Vancouver)

K. JUDICIAL ADMINISTRATIVE ASSISTANTS

Judicial Administrative Assistants perform administrative, secretarial and support services to Judges and Judicial Justices of the Peace. Their duties include organizing meetings for Judges, preparing written judgments, preparing the Judges' rota, and keeping Court statistics. Judicial Administrative Assistants are judiciary employees under the supervision of the Administrative Judge for their district. The following was the complement of Judicial Administrative Assistants by Administrative District, at March 31, 2003:

JUDICIAL ADMINISTRATIVE ASSISTANTS - At March 31, 2003

Vancouver Criminal:
(Administrative Judge C.L. Bagnall)
- L. Lockstidt
- A. Romilly

Richmond:
(Administrative Judge J. McKinnon)
K. Boulding (p/t)

Robson Square:
(Administrative Judge M.E. Rae)
- J.F. Crichton
- C.L. McNeill
- C. Mayhew (p/t)

North Fraser:
(Administrative Judge P. de Couto)
- J. Hanif (Port Coquitlam)
- D. Twerdun (New Westminster)
- S.A. Trochta (Port Coquitlam - p/t)

South Fraser:
(Administrative Judge W.G. MacDonald)
- P. Sahota (Surrey)
- J. Chan (Surrey)
- A. Mitchell (Abbotsford - p/t)

South Vancouver Island:
(Administrative Judge L.W. Smith)
- A. Bruce (Victoria)
- C.J. Rodin (Victoria)

North Vancouver Island:
(Administrative Judge E.L. Iverson)
- K. Steele (Nanaimo)

Okanagan:
(Administrative Judge J. Threlfall)
- M. Low (Kelowna)

Prince George:
(Administrative Judge P.V. Hogan)
- A. Molgat

Kamloops:
(Administrative Judge T. Dohm)
- S.E. Chernoff (Kamloops)
- J. Cunard (Williams Lake - p/t)

Northwest:
(Administrative Judge E.F. de Walle)
- L. Leonardes (Terrace - p/t)

Coast:
(Administrative Judge D.E. Moss)
- D. Garcia (North Vancouver)

L. OFFICE OF THE CHIEF JUDGE STAFF

The following is a list of judiciary staff employed at the Office of the Chief Judge during the fiscal year and a description of their duties:

1. **Director of Judicial Administration:** (Mike Smith) - under the supervision of the Chief Judge, responsible for the administration of the judiciary, including liaison with government departments, management of the Court's budget, systems, resources, facilities, justice of the peace and judicial case manager programs and special projects.

2. **Legal Officer:** (Denise Paluck*/ Eugene Jamieson) - provides legal advice to the Chief Judge and accesses legal resources for Judges, Judicial Justices of the Peace, Justices of the Peace and staff in the Office of the Chief Judge.
   * Ms. Paluck left the office in September 2002.

3. **Administrative Judicial Case Manager:** (Grant Marchand) - provides the Chief Judge with reports on the state of the lists throughout the province; assists the case management program in achieving consistency of practice throughout the province.

4. **Systems Business Manager:** (Steve Rhodes) - plans, develops and recommends the acquisition of computer systems for the judiciary.

5. **Manager, Finance and Administration/Acting:** (Karen Dornan*/ Gordon Lemire) - provides administrative, financial and human resources services; assists the director of judicial administration; monitors the budget; manages human resources; oversees acquisition of furniture and equipment.
   *Ms. Dornan left the office in April 2002.

6. **JP Administrator/Office Manager/Acting:** (Rosemary Chin*/ Joanne Arntsen) - assists the Chief Judge and director of judicial administration in the administration of the justice of the peace program; the unassigned and ad hoc judge programs; prepares and manages judicial justice of the peace rota; manages reception/secretarial resources; processes requests for library purchases.
   * Ms. Chin left the office in March 2003.

7. **Executive Assistant to the Chief Judge:** (Aida Estrella*/ Maria Hla-Tin) - provides executive secretarial and administrative support to the Chief Judge.
   *This position and that of Executive Assistant to the Associate Chief Judges was reorganized in November 2002 pursuant to the Three-Year Strategic Plan.

8. **Executive Assistant to the Associate Chief Judges:** (Maria Hla-Tin*/ Aida Estrella) - provides executive secretarial and administrative support to the Associate Chief Judges and Judicial Council of British Columbia.
   *This position and that of Executive Assistant to the Chief Judge was reorganized in November 2002 pursuant to the Three-Year Strategic Plan.

9. **Administrative Services Coordinator:** (Viviana Ascui) - assists manager of finance & administration.

10. **Systems Support Coordinators:** (Heidi Gable & Mona Salameh) – assist systems business manager.

11. **Administrative Assistant to Director of Judicial Administration:** (Serena Innes) - provides secretarial support to the director of judicial administration.

12. **Administrative Assistant to Legal Officer:** (Evelyn Suzuki) - provides secretarial support to the legal officer.

13. **JP Clerk:** (Myrna Himantog) - provides secretarial/clerical support to JP administrator; assists the JP administrator in the administration of the justice of the peace program.

14. **Travel Clerk:** (John Rideout*/ vacant) - processes travel vouchers; prepares and distributes financial reports and information.
*Mr. Rideout left the office in March 2003.

15. **Accounts Clerk:** (Judy Darnel) - processes invoices and Visa payments; prepares and monitors contracts; assists with leave recording.

16. **Purchase Clerk:** (Aida Ballesteros) - purchases equipment and supplies for the judiciary; processes travel vouchers.

17. **Receptionist:** (Joyce Fernandes) - provides receptionist duties and secretarial support for the Office of the Chief Judge.

M. FINANCIAL REPORTS

1. 2002 / 2003 Budget Submissions and Expenditures

		Budget	Actual	Variance	
	SALARY	28,550,000	28,254,088	295,912	(1)
50	SUPP. SALARY	8,000	25,896	-17,896	
51	BENEFITS	6,468,000	6,469,389	-1,389	
52	J.COUNCIL/AD HOC	385,000	392,964	-7,964	
55	TRAVEL	1,305,000	1,271,742	33,258	(2)
57	PROF. SERVICES	71,000	123,305	-52,305	(3)
60	DATA/TELEPHONE	491,000	431,384	59,616	(4)
63	OFFICE EXPENSE	678,000	690,714	-12,714	
65	SUPPLIES	73,000	86,069	-13,069	
69	VEHICLES	45,000	37,696	7,304	
70	AMORTIZATION EXP.	203,000	192,445	10,555	
73	OFFICE OF THE CHIEF JUDGE RENT	328,000	301,315	26,685	(5)
75	C.A.P.C.J. GRANT	6,000	7,200	-1,200	
79	LIBRARY	207,000	215,774	-8,774	
80	GENERAL EXPENSES	66,000	2,139	63,861	(6)
	Sub-Total Operating	**38,884,000**	**38,502,120**	**381,880**	
	Operating Variance as per Financial Management Report			**381,880**	
	Complement:				
	Provincial Court Judges	140.57			
	Judicial Justices of the Peace (JJP)	31.10			
	Staff	67.53			
	Total FTE:	239.20			
		Budget	**Actual**	**Variance**	
	Capital Budget Variance (Systems and Furniture)	72,000	34,319	**37,681**	(7)

(1)	Judge appointment lag resulting from retirements and senior Judge elections, and in preparation for budget reduction in 2003/04.
(2)	Balance of unprocessed travel voucher backlog at fiscal year end due to staff shortage.
(3)	Unfunded contract for legal services (offset by general expense allocation).
(4)	Justice Centre implementation lag delayed communication expenditures.
(5)	Tenant Improvements at Office of the Chief Judge did not occur as planned.
(6)	Expenditures did not occur as anticipated.
(7)	Justice Centre relocation delayed impacted furniture purchases.

2. Ad Hoc Assignments

Ad Hoc Judges and Judicial Justices of the Peace are retired Judges and Judicial Justices of the Peace assigned to duties on a per diem basis. The Court's Ad Hoc Judges and Judicial Justices of the Peace are listed in parts D and F. The following chart shows the amount of time committed to Ad Hoc Judge and Judicial Justice of the Peace services in the 2002-2003 fiscal year. As in the prior fiscal year, ad hoc assignments exceeded budgeted amounts, however, expenditures were offset by salary savings from delays in appointments, long-term disability or leaves of absence.

AD HOC JUDGE USAGE
FOR FISCAL YEAR 2002/2003
As at March 31, 2003

MONTH	DAYS USED
APRIL	5.00
MAY	22.00
JUNE	23.00
JULY	37.00
AUGUST	31.00
SEPTEMBER	15.00
OCTOBER	14.00
NOVEMBER	19.00
DECEMBER	25.50
JANUARY	39.00
FEBRUARY	41.50
MARCH	16.00
TOTAL TO DATE	288.00

TOTAL DAYS	180.00
TOTAL DAYS USED & COMMITTED TO DATE	288.00
VARIANCE	108.00

AD HOC JUDGE EXPENDITURES
FOR FISCAL YEAR 2002/2003
As at March 31, 2003

MONTH	DAYS USED	$ AMOUNT
APRIL	5.00	$3,510.00
MAY	22.00	$15,444.00
JUNE	23.00	$16,146.00
JULY	37.00	$25,974.00
AUGUST	31.50	$21,732.00
SEPTEMBER	15.00	$10,530.00
OCTOBER	14.50	$9,828.00
NOVEMBER	19.00	$13,338.00
DECEMBER	25.50	$17,901.00
JANUARY	39.00	$27,378.00
FEBRUARY	41.5	$29,133.00
MARCH	16.00	$11,232.00
TOTAL USAGE	288.00	$202,176.00
TOTAL BUDGET	180.00	$126,360.00
VARIANCE	(108.00)	($75,816.00)

AD HOC JUDICIAL JUSTICE OF THE PEACE USAGE			
FOR FISCAL YEAR 2002/2003			
March 31, 2003			
MONTH	DAYS USED		
	Court	Centre	
APRIL	10.00	2.00	
MAY	19.00	10.00	
JUNE	7.00	4.00	
JULY	8.00	8.00	
AUGUST	6.00	0.00	
SEPTEMBER	15.50	1.00	
OCTOBER	21.00	2.00	
NOVEMBER	21.50	8.00	
DECEMBER	6.00	27.00	
JANUARY	18.50	6.50	
FEBRUARY	18.00	1.00	
MARCH	29.00	7.50	
TOTAL TO DATE	**179.50**	**77.00**	
TOTAL BUDGET (DAYS)			180.00
TOTAL DAYS USED			256.50
VARIANCE			76.50

Ad Hoc Judicial Justice of the Peace Expenditures

FOR FISCAL YEAR 2002/2003
As at March 31, 2003

MONTH	DAYS USED	$ AMOUNT
APRIL	12.00	$3,384.00
MAY	29.00	$8,178.00
JUNE	11.00	$3,102.00
JULY	16.00	$4,512.00
AUGUST	6.00	$1,692.00
SEPTEMBER	16.50	$4,653.00
OCTOBER	23.00	$6,486.00
NOVEMBER	29.50	$8,319.00
DECEMBER	33.00	$9,306.00
JANUARY	25.00	$1,050.00
FEBRUARY	19.00	$5,358.00
MARCH	36.50	$10,293.00
TOTAL	256.50	$72,333.00
TOTAL BUDGET	180.00	$50,760.00
VARIANCE	(76.5)	($21,573.00)

N. CRIMINAL DIVISION

1. Criminal Caseflow Management Rules

The Criminal Caseflow Management Rules (CCFM) were enacted in September 1999 with accompanying changes in criminal process. They encouraged early resolution of cases where appropriate, and greater event certainty. Two primary goals were to reduce the number of cases unnecessarily set for trial, and to reduce unproductive appearances. The implementation of CCFM was completed in 2000.

Reports continued to be positive as to the effects of CCFM on backlog and trial certainty, though some areas experienced increases in pending cases this year, due to reductions in Judges and illness. The number of cases set for trial remained constant at about 21%, still significantly improved from pre-CCFM levels. These trends are shown below for the 2001 and 2002 calendar years.

	Total New Cases	Total Pending Cases	% of New Cases Pending
2001	105,687	25,466	24.1%
2002	99,626	26,173	26.3%
	Total Pending Cases	**Total Pending >240 days**	**% of Pending > 240 days**
2001	25,466	9,612	37.7%
2002	26,173	10,970	41.9%
	Total Cases Completed	**Total Completed Cases set for Trial**	**% of Completed Cases set for Trial**
2001	105,362	22,260	21.13%
2002	101,998	21,501	21.07%

In February 2001, Chief Judge Carol Baird Ellan requested that Associate Chief Judge Anthony Spence conduct a review of the operation of the Rules and CCFM. Judge Spence consulted with interested parties in each judicial district in the Province, and submitted a report to the Chief Judge in April 2002, which contained suggestions and recommendations for change.

The Report is available on the Court's website at:
http://www.provincialcourt.bc.ca/aboutthecourt/criminalandyouthmatters/index.html

In September 2002, the Chief Judge established a Criminal Procedures Committee, chaired by Associate Chief Judge Spence and made up of representatives of the Bar, Government, Legal Services Society and the Law Society. This committee met several times and has suggested several amendments to the Rules. These suggestions were put to the Judges of the Court for consideration at the Spring Conference in May 2003, and it is expected that the Bench, pursuant to section 482(1) of the *Criminal Code*, will be voting on some changes to the Rules in 2003.

O. FAMILY DIVISION

The number of new cases initiated under the *Family Relations Act* in the Provincial Court decreased slightly, however, subsequent applications on files commenced before 2002/2003 increased. The number of new cases and subsequent applications under the Child, Family and Community Service Act decreased slightly. Overall, family caseloads including applications were down by about 5%.

During the year, the number of locations where mandatory parenting after separation courses was offered was maintained at 10, when Port Coquitlam replaced Burnaby, after the Burnaby courthouse closed. "Rule 5" registries (registries serviced by family justice counsellors, parenting education and mediation services) were decreased to three locations: Kelowna, Surrey and Vancouver. The Court continues to provide judicial mediation in family and child protection cases throughout the province early in the process and as a result is setting only 20% of those cases for trial.

The Chief Judge struck a Unified Family Court Advisory Committee to examine a proposal from the Justice Review Task Force* for a unified family court in B.C. The Court's report can be found at: http://www.provincialcourt.bc.ca/downloads/pdf/provincialcourtresponsetoJRTFpaperon UFC.pdf

P. CIVIL DIVISION

The decline in civil cases filed in the Provincial Court continued, though at a slower pace, this year. Waiting time for settlement conferences and trials in the Civil Division for most areas continued to decline.

The Court Dispute Mediation Practicum, which provides pre-court mediation for civil matters, as well as allowing for training of mediators through supervised practical experience, expanded this year from locations at Robson Square, Surrey, Delta (now closed) and Nanaimo to include Victoria and Richmond. An amendment to the *Small Claims Rules* is anticipated within the next year, to standardize procedures for the program.

During the year, the Chief Judge established a Civil Procedures Committee, chaired by Associate Chief Judge Spence and comprised of Judges Lenaghan, Meyers, Schmidt, Stansfield and Stone. While the committee has a general mandate to consider all aspects of civil procedure in the Court, its first task has been to consider how the Court may deal with an increase in its monetary jurisdiction without an increase in judicial resources.

The committee has therefore prepared a proposed Civil Dispute Resolution Model for claims up to at least $40,000 to replace the current civil procedures. This model has been presented to the Justice Review Task Force with a view to that body establishing a broad based committee to consider the merits of the proposal.

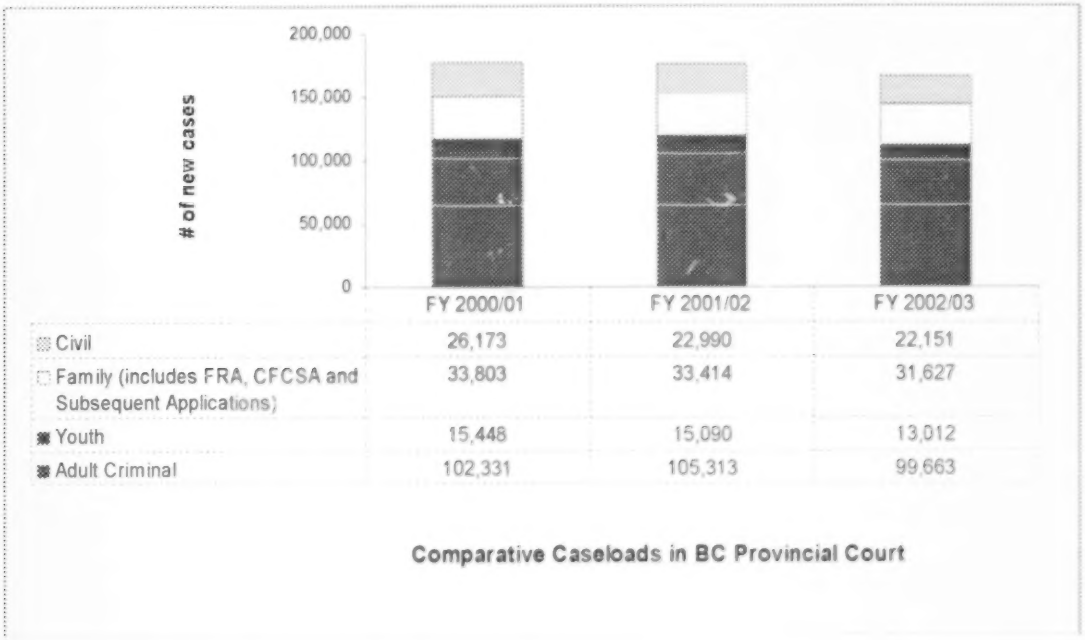
* The Justice Review Task Force is a group of justice system representatives formed with the objective of identifying reform ideas and initiatives to make the justice system more responsive, accessible and cost-effective. The current representatives on the Task Force are Chief Justice Brenner of the BC Supreme Court, Chief Judge Baird Ellan of the BC Provincial Court, Richard Margetts, QC of the Law Society of BC, Peter Leask, QC of the Canadian Bar Association, BC Branch, Deputy Attorney General Allan Seckel, and Jerry McHale, QC, Assistant Deputy Minister, Justice Services Branch. For more info, re the Justice Review Task Force, visit www.bcjusticereview.org.

Q. TRENDS IN CASELOADS

The Court monitors caseloads, average case times, and available trial dates, to assist in allocating judicial resources.

1. Incoming cases

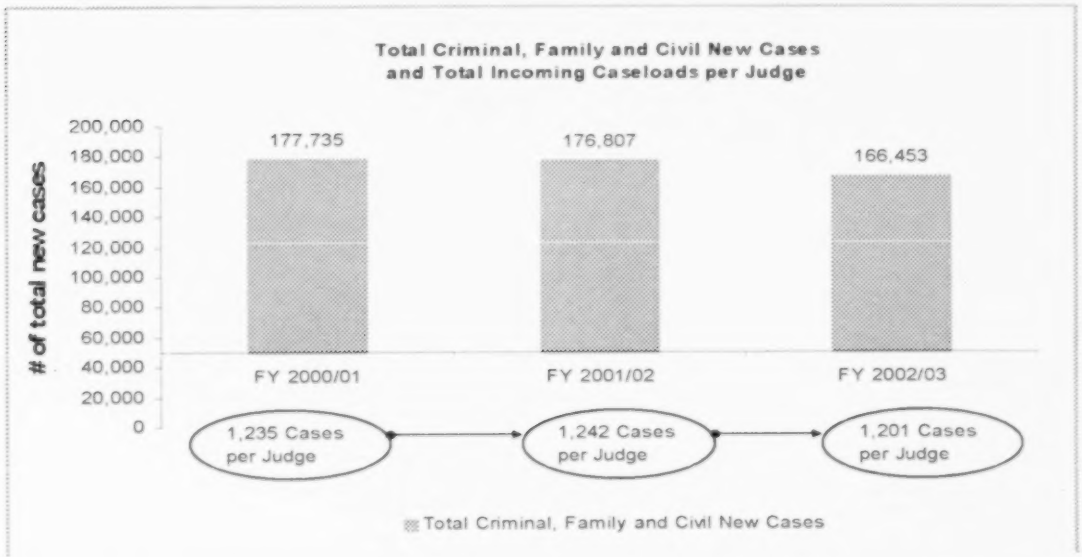
The following chart shows comparative caseloads for new cases for the current and previous two fiscal years, by subject.



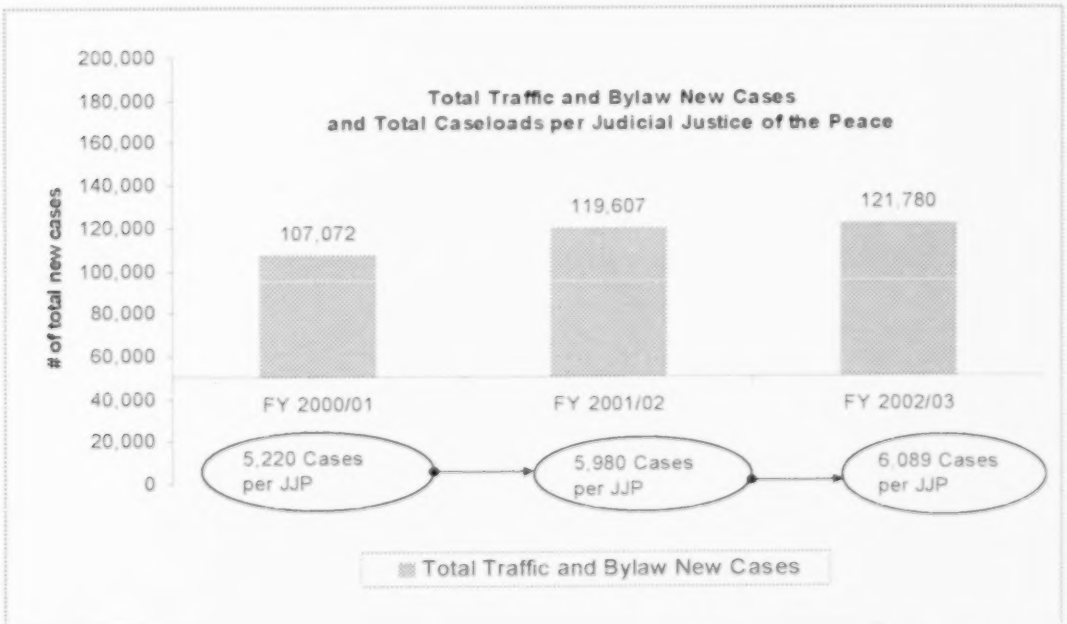
	FY 2000/01	FY 2001/02	FY 2002/03
Civil	26,173	22,990	22,151
Family (includes FRA, CFCSA and Subsequent Applications)	33,803	33,414	31,627
Youth	15,448	15,090	13,012
Adult Criminal	102,331	105,313	99,663

Comparative Caseloads in BC Provincial Court

The following graphs illustrate the overall new cases filed for the province compared to the caseloads per Judge and Judicial Justice of the Peace. The graph below illustrates the trend of a reduction in new cases filed over three years. With the reduction in the Provincial Court Judge complement over those years, and backlogs in some under-resourced areas, the overall pending caseload per Judge remains fairly constant.

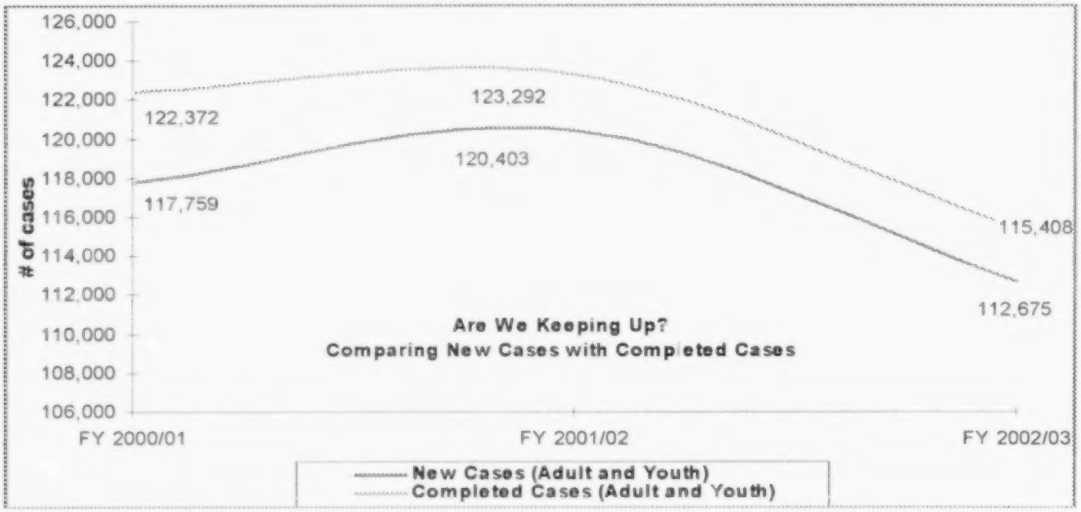


The graph below illustrates an increase in both the number of new traffic and bylaw cases filed as well as an increase in the overall caseload per Judicial Justice of the Peace, over the past three years. With reductions in average case lengths, changes in scheduling methods, other legislative changes, and possible decreases in new cases, it is anticipated that caseloads will continue to be addressed in a timely fashion with current resources.



2. Completed Cases - Adult Criminal

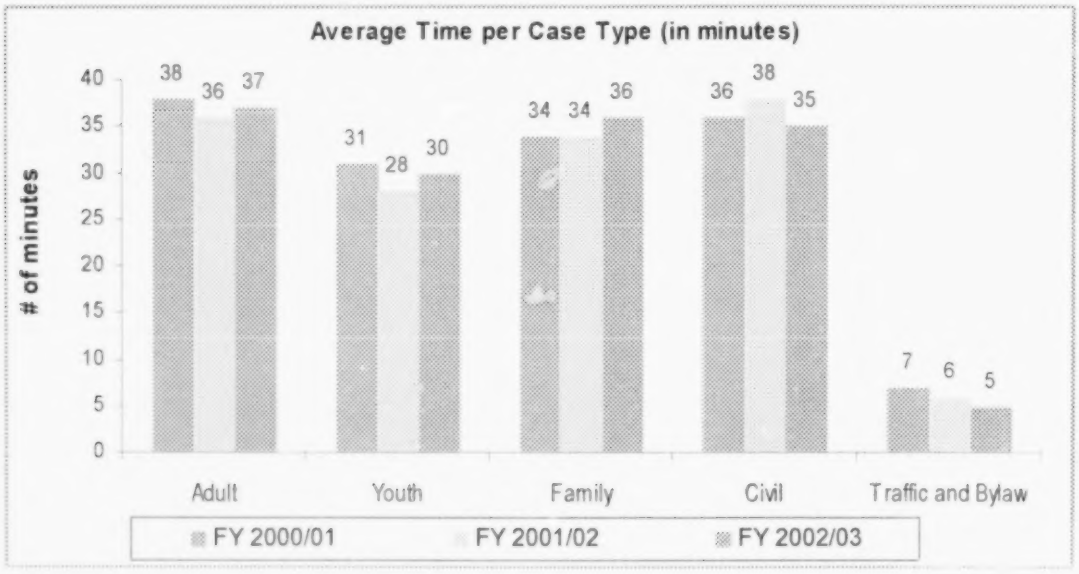
The following chart compares the new criminal cases filed in each of the past three fiscal years with cases completed in each of those years.



3. Average Case Times

This graph shows the provincial average based upon time spent on case types. There are significant regional variations between districts for some case types. Utilizing regional case lengths, incoming caseloads and existing backlogs, the Court is able to estimate required resources for each district.

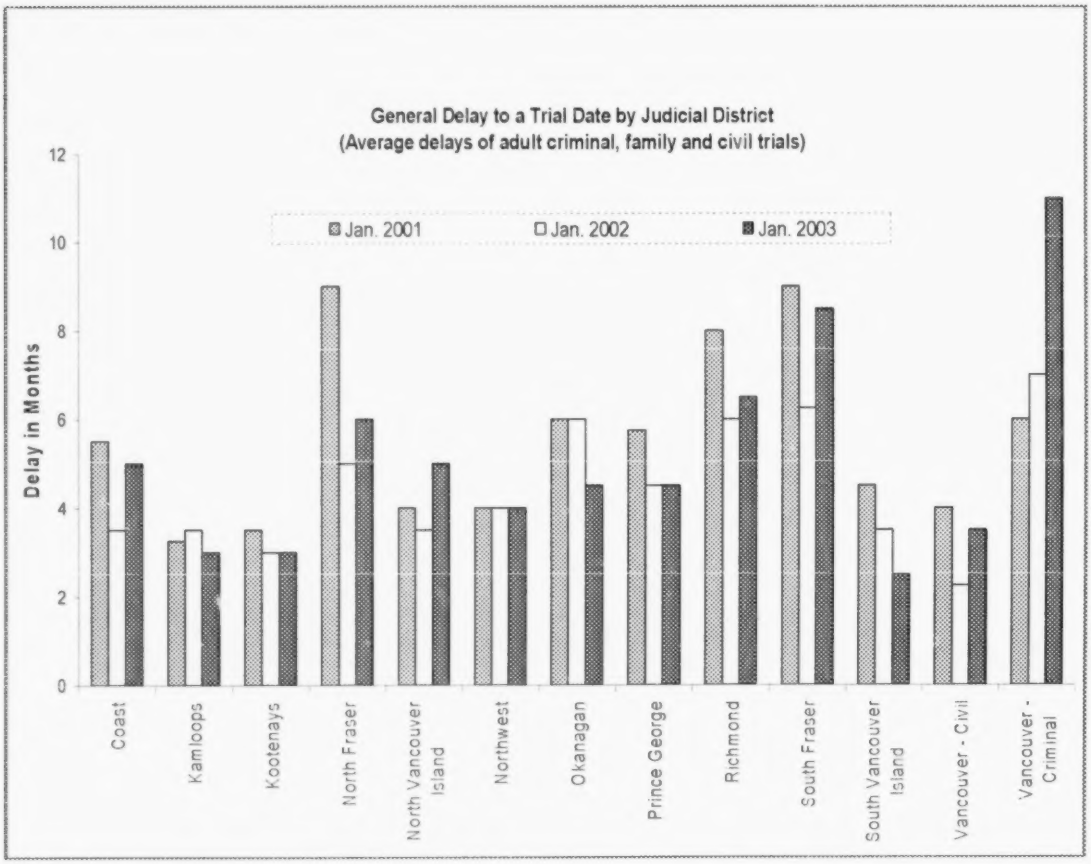
These figures measure court hours by subject against total incoming caseloads, not trial lengths. They represent a weighted average of all matters ranging from those concluded in a few minutes to lengthy trials which may be up to several months in length.



4. Trends in Trial Dates

The chart below shows the average "next available trial date" per district for the past three years. This represents the average time delay between the setting of a case and its trial date.

Most districts remain within an acceptable range, though backlogs were starting to develop as of January 2003 in a few areas, due in part to a significant number of illnesses, and in part to uneven distribution of judicial resources throughout the province. A backlog reduction program to redistribute resources was commenced in the fiscal year. It is anticipated that with continued backlog reduction initiatives, new appointments in problem areas, and continued reductions in caseloads, developing backlogs will be arrested and substantially reduced within fiscal 2003-04.



R. COURTHOUSE FACILITIES & CLOSURES

In January 2002, the Ministry of Attorney General announced a decision to close 24 courthouses in the spring and fall of 2002. Since that time some locations, where municipalities have been able to provide facilities, have reopened as circuit courts. Closing locations, caseloads for the year prior to closing, and new circuit courts are listed here as of March 31, 2003.

Closing Location	Total new cases for 2001		Closed date/ Circuit Court:
	Judge	JJP	
100 Mile House	517	239	Circuit Court
Burnaby	7363	7453	June 1, 2002
Castlegar	505	155	Circuit Court
Chase	227	67	Circuit Court
Chetwynd	388	56	Circuit Court
Creston	356	114	Circuit Court
Delta	2624	3588	Nov 1, 2002
Fernie	227	82	Circuit Court
Grand Forks	289	72	Circuit Court
Hope	960	1299	Circuit Court
Houston	280	23	Circuit Court
Invermere	247	138	Circuit Court
Kimberley	207	79	June 1, 2002
Kitimat	290	6	Circuit Court
Lillooet	351	20	Circuit Court
Lytton	152	65	June 1, 2002
Maple Ridge	3412	2108	June 1, 2002
Merritt	692	725	August 1, 2002
Oliver	367	94	June 1, 2002
Parksville	687	727	June 1, 2002
Princeton	157	137	Circuit Court
Revelstoke	350	165	Circuit Court
Squamish	1024	863	August 1, 2002
Vanderhoof	635	191	Circuit Court
TOTAL:	22307	18466	

New court facilities were opened in Chilliwack in May 2002, and Sechelt and Richmond in February and March 2003 respectively.

S. TECHNOLOGY COMMITTEE

The Chief Judge's Technology Committee consists of the following members:

- The Honourable Judge G. Cohen
- The Honourable Judge B.K. Davis
- The Honourable Judge G. Gill
- M. Smith, Director of Judicial Administration
- S. Rhodes, Systems Business Manager

The committee is reviewing Electronic Access Policy Issues affecting the Court and criminal/civil case tracking systems, including data collection and retrievals. It continues to advise the Chief Judge and liaise with the Court Services Branch on all topics related to technology.

T. WEBSITE AND JUDGMENT DATABASE

The Court's website may be found at www.provincialcourt.bc.ca. The site contains sections on:

⇒ History & Judicial Independence
⇒ Criminal & Youth Matters
⇒ Family & Civil Matters
⇒ Traffic & Bylaw Matters
⇒ Judicial Officers
⇒ Judicial Council
⇒ News & References
⇒ Your Experience at Court
⇒ Judicial Administration

In addition, the site hosts the Court's judgment database, containing most written decisions and many oral decisions of the Court in the past four years. As of March 31, 2003 there were 1,512 judgments on the database.

Maintenance of the website and judgment database is performed by dedicated staff at the Office of the Chief Judge, and overseen by the Legal Officer, pursuant to the Strategic Plan. Comments may be directed to info@provincialcourt.bc.ca.

U. PUBLIC LEGAL EDUCATION & PUBLIC RELATIONS

The Judges and Judicial Justices of the Peace of the Court continued throughout the year to participate in a wide variety of public legal education activities and speaking engagements, including speaking to students on a regular basis, and participating in other educational activities. Many Judges engage in teaching activities at various institutions, as well as accepting invitations to speak on the justice system in a variety of forums. Persons interested in inviting Judges or Judicial Justices of the Peace to speak or participate in public activities are invited to do so through the Office of the Chief Judge.

Pursuant to the Strategic Plan, responsibility for public relations and media liaison for the Court was assigned during the year to the Legal Officer to the Chief Judge, Gene Jamieson. He has primary responsibility for responding to media inquiries and issuing media releases on matters of interest to the public. He may be contacted through the Office of the Chief Judge.